UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

L.K

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/124,805	07/29/98	LAMPING	

LM02/0427

EXAMINER
HAVAN, T

RONALD ZIBELLI
XEROX CORPORATION
XEROX SQUARE 20A
ROCHESTER NY 14644

ART UNIT	PAPER NUMBER
2779	

DATE MAILED: 04/27/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/124,805	Applicant(s) LAMPING ET AL.	
	Examiner Thu-Thao Havan	Art Unit 2779	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1)☐ Responsive to communication(s) filed on *29 July 1998* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b)☐ Some * c)☐ None of the CERTIFIED copies of the priority documents have been:

1.☐ received.

2.☐ received in Application No. (Series Code / Serial Number) _____ .

3.☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

14) ☒ Notice of References Cited (PTO-892)
15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
16) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6* .
17) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
18) ☐ Notice of Informal Patent Application (PTO-152)
19) ☐ Other: .

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 5,619,632 Although the conflicting claims are not identical, they are not patentably distinct from each other because:

A. Re claim 1, claim 1 of patent 5,619,632 claims the step of the nodes represented in each representation forming at least one peripheral branch, each peripheral branch including a top level and at least one lower level, the top level including a top level node and the lower level inluding lower level nodes that are not in the representation's subset of more spaced node features, each node at each lower level having a parent node at a next higher level to which the node is related through one link and the step of the lower level node features that share a parent node feature having centers of area positioned in order approximately along an arc with sufficiently similar spacings from the center of area of the parent node feature and with sufficiently

similar spacings from adjacent node features along the arc that the lower level node features sharing the parent node feature are perceptible as a group of related node features (**col. 32, lines 19-35**). The claim 1 does not recite the exact wording of the nearby relationship data indicating information about nearby node-link relationships and the step of obtaining layout data indicating the element's position relative to a parent in the space. It is apparent that claim 1 of patent number 5,619,632 discloses each node at each lower level having a parent node at a next higher level to which the node is related through one link corresponds to the nearby relationship data indicating information about nearby node-link relationships. When the nodes are linked than there are relationships between nodes would have been readily apparent to one of ordinary skill in the art. Furthermore, the step of the lower level node features that share a parent node feature having centers of area positioned in order approximately along an arc with sufficiently similar spacings from the center of area of the parent node feature corresponds to the step of obtaining layout data indicating the element's position relative to a parent in the space. The area of positioning the nodes indicates the element's position.

B. Re claim 13, claim 16 of patent 5,619,632 claims the processor to use the node-link data to provide first represenation data corresponds to a processor for laying out a node-link structure in a space (**col. 34, lines 3-47**).

C. Re claim 14, claim 21 of patent 5,619,632 claims an article of manufacture for use in a machine that includes memory corresponds to an article of manufacture for use in a system that includes a storage medium access device (**col. 36, lines 44-67; col. 37, lines 43**).

D. Re claim 15, claim 22 of patent 5,619,632 claims a method of operating the machines that includes a first connection to a network corresponds to a method of transferring data between first and second machines over a network (**col. 38 and 39**).

E. The limitations of claims 2-12 analyzed as discussed with respect to claims 1 and 13-15 above.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> > (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lamping et al. (US Patent No. 5,619,632).

5. As to claim 1, the prior art Lamping had:

A.) A method of laying out a node-link structure in space with negative curvature (**col. 16, lines 45-63; col. 25, lines 52-62; fig. 17**). In the specification of the applicaton, page 11 and lines 3-7, the inventors claim the negative curature as a space in which parallel lines diverge...there are multiple other straight lines parallel to the given straight line. An example of a space with negative curature is hyperbolic n-space. Therefore, Lamping of patent number 5,619,632 teaches

a negative curvature when he discloses representation includes link features taht are lines representing links between nodes in a nole-link stucture and node features, some of which are rectangles with characters in them but others of which are intersections or ends lines as in figures 14-16. Particularly, figure 17 discloses negative curature when there are parallel lines of parents and children nodes that diverge into many other nodes.

B.) The method comprising of obtaining nearby relationship data for an element in the structure, the nearby relationship data indicating information about nearby node-link relationships (**col. 4, lines 44-50; col. 32, lines 19-35**). Lamping teaches that each node at each lower level having a parent node at a next higher level to which the node is related through one link corresponds to the nearby relationship data indicating information about nearby node-link relationships. When the nodes are linked than there are relationships between nodes.

C.) The method comprising of the based on the nearby relationship data, obtaining layout data indicating the element's position relative to a parent in the space iwht negative curvature (**col. 16, lines 53-63; col. 32, lines 19-35; fig. 5-7**). Lamping teaches the step of the lower level node features that share a parent node feature having centers of area positioned in order approximately along an arc with sufficiently similar spacings from the center of area of the parent node feature corresponds to the step of obtaining layout data indicating the element's position relative to a parent in the space. The area of positioning the nodes indicates the element's position.

6. As to claims 2-4, Lamping discloses the space with negative curature is a hyperbolic space (**col.17, lines 28-44, col. 16, lines 53-62; col. 20, lines 20-52**). Lamping teaches a negative curature as a hyperbolic space when he discloses the layout space is a hyperbolic plane.

7. As to claims 6-7, Lamping discloses the radii and angles for the set of children to obatin a position displacement and an angle displacement between the parent and the element (**col. 23 and 24; fig. 13**).

8. As to claim 8, Lamping discloses the nearby node-link relationships include only relationships among the parent and the parent's children and grandchildren (**col. 25, lines 24-50; fig. 13**).

9. As to claims 9-12, Lamping discloses the method is performed in each of a series of iterations (**col. 19, lines 61-67; col. 20 and 21; fig. 12**).

10. The limitations of claim 5 analyzed as discussed with respect to claims 1 and 13-15 above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myers et al. US Patent No. 5,581,677

Rao et al., US Patent 5,883,635

Rao et al.., US Patent 5,880,742

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Thu-Thao Havan whose telephone number is (703) 308-7062. The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell, can be reached at (703)305-9703.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703)308-5359 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Thu-Thao Havan

April 21, 2000

Mark R. Powell

MARK R. POWELL
SUPERVISORY PATENT EXAMINER
GROUP 2700